

REMARKS

I. Introduction

By the present Amendment, claims 7-12 have been amended. No claims have been added or cancelled. Accordingly, claims 7-12 remain pending in the application. Claim 7 is independent.

II. Office Action Summary

In the Office Action of December 6, 2010, the Specification was objected to because of various informalities. The Drawings were objected to under 37 CFR §1.84(p)(5) for failing to include reference signs mentioned in the Description. Claims 7-12 were objected to because of various informalities. Claims 7-9 and 12 were rejected under 35 USC §112, second paragraph, as being indefinite. These rejections are respectfully traversed.

III. Objections to the Specification

The Specification was objected to because of an informality. Regarding this objection, the Office Action indicates that the Abstract contained 160 words.

By the present Amendment, Applicants have amended the Abstract to reduce the word count to be between 50-150, as required. Withdrawal of this objection is therefore requested.

IV. Objections to the Drawings

The Drawings were objected to under 37 CFR §1.84(p)(5) for failing to include reference signs mentioned in the Description. Regarding this objection, the Office Action indicates that reference sign 801 is not included in any of the Drawings, although it is described on page 25, line 16, of the Specification.

By the present Amendment, Applicants have amended the Specification to correct the clerical error which appears to have resulted in this objection. Specifically, the Specification has been amended to replace the reference sign "801" with --8-1--. This reference sign is illustrated in the figures. Withdrawal of this objection is therefore respectfully requested.

V. Claim Objections

Claims 7-12 were objected to because of various informalities. Regarding these objections, the Office Action cites various instances of language that appeared to be grammatically incorrect or otherwise inconsistent with conventional terminology. For example, the Office Action indicates that claims 7 and 8 recite the phrase "0.3 to 0.7 time" which should be amended to state --0.3 to 0.7 times--. The Office Action cites various instances of language that was inconsistent between different claims, as well as a number of instances of improper claim numbering or claim dependencies.

By the present Amendment, Applicants have amended the claims to address all of the objections raised in the Office Action. In particular, substantially all of the suggestions included in the Office Action for correcting the claim language have been incorporated in the amendments. Furthermore, the claim dependencies have been revised to properly reflect the currently pending claims.

Withdrawal of this objection is therefore respectfully requested.

VI. Rejections under §112

Claims 7-9 and 12 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Regarding this rejection, the Office Action

provides various instances of language that was considered indefinite or otherwise lacking in proper antecedent basis. For example, regarding claim 7, the Office Action indicates that biological information is measured but no particular element is indicated as being configured to perform the actual measurement. Various instances where the term "unit" is recited were identified as being unclear because it was not readily identifiable how such "units" were tied to any specific structure or functional relationships. The Office Action also provided numerous examples of language that appeared to be lacking in proper antecedent basis.

By the present Amendment, Applicants have amended the claims to address substantially all the instances of indefiniteness raised in the Office Action. In other instances, Applicants did not make amendments based on the exact citations in the Office Action, because proper antecedent basis was provided by making appropriate amendments to the parent claim. For example, independent claim 7 has been amended to specify "a unit for changing a ratio" which performs the desired measurement, as noticed in the Office Action. Additionally, the specific calculations pertaining to measurement error and the measured ratio have been clarified in the claims.

Based on the foregoing, it is respectfully submitted that all of the pending claims satisfy the requirements of 35 USC §112, second paragraph. Withdrawal of this rejection is therefore respectfully requested.

To the extent that the amendments that have been made to the claims are somehow insufficient, or any new instances of indefinites are identified, Applicants respectfully request that the Examiner contact the undersigned in order to discuss the objected language and any corrections that can be made to resolve the matter by either Examiner's Amendment or a Supplemental Amendment.

VII. Conclusion


For the reasons stated above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a Notice of Allowance is believed in order, and courteously solicited.

If the Examiner believes that there are any matters which can be resolved by way of either a personal or telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

AUTHORIZATION

Applicants request any shortage or excess in fees in connection with the filing of this paper, including extension of time fees, and for which no other form of payment is offered, be charged or credited to Deposit Account No. 01-2135 (Case: 520.46162X00).

Respectfully submitted,
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